

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: New York

CATEGORICAL DETERMINATIONS

Categories for which the State Mental health or mental retardation authority may make an advance group determination that Nursing Facility (NF) services are needed are:

- 1) Convalescent care from an acute physical illness which:
  - (i) Required hospitalization ; and
  - (ii) Does not meet all the criteria for an exempt hospital discharge, which is not subject to preadmission screening as specified in Section 483.106(b)(2).
- 2) Terminal illness, as defined for hospice purposes in Section 418.3 of this chapter.
- 3) Severe physical illness such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure which result in a level of impairment so severe that the individual could not be expected to benefit from specialized services.
- 4) Very brief and finite stays of up to a fixed number of days to provide respite to in-home caregivers to whom the individual with Mental Illness (MI) or Mental Retardation (MR) expected to return following the brief NF stay.

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